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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/799,335 | 03/12/2004 | Pierre Tomasini | ASMEX.447A | 6213 |
| 68852 7590 09/19/2007 KNOBBE, MARTENS, OLSEN & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614 | | | EXAMINER RAO, G NAGESH | |
| | | | ART UNIT 1722 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| 10799335 | 3/12/2004 | TOMASINI ET AL. | ASMEX.447A |

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EXAMINER

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ART UNIT**PAPER**

1722

20070912

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Commissioner for Patents

The reply brief filed 8/27/07 has been considered by examiner and the remarks are duly noted. This issue has been discussed numerous times via formal arguments and the brief phone inquiry of the case by applicant's representative. Examiner wishes to note, that applicant's continually persist on rationalizing patentability of the claimed invention based on overcoming the prior art teachings as suggested by Murthy 787's Figure 3 teachings. However as can be clearly iterated in the examiner's answer and previous office actions, examiner has been pointing out teachings against the prior art via Figures 2 and 5. Examiner also wishes to point out that applicant's arguments amount to overcoming the prior art based on a preferred embodiment, it is respectfully submitted that examiner note the decision of In re Boe 148 USPQ 507, whereby the entire prior art reference and teachings disclosed is to be considered and rationalized by one having ordinary skill in the art when determining patentability of the claimed invention. If applicant's have an unexpected result or unknown variable that cites differentiation it has never been disclosed nor rectified with a declaraiton/affidavit.

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